UNITED NATIONS **A**

General Assembly

Distr.
GENERAL

A/C.3/49/29
9 December 1994

ORIGINAL: ENGLISH

Forty-ninth session
THIRD COMMITTEE
Agenda item 100 (c)

HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 6 December 1994 from the Chargé d'affaires a.i. of the Permanent Mission of Yugoslavia to the United Nations addressed to the Secretary-General

I have the honour to advance the following comments of the Government of the Federal Republic of Yugoslavia concerning the draft resolutions entitled "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" (A/C.3/49/L.42) and "Rape and abuse of women in the areas of armed conflicts in the former Yugoslavia" (A/C.3/49/L.61).

The comments also pertain to the position of the Federal Republic of Yugoslavia regarding several statements and accusations about the human rights situation in the territory of the former Socialist Federal Republic of Yugoslavia made in the debate in the Third Committee under agenda item 100 (c).

The draft resolutions entitled "Situation of human rights in the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)" and "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia" do not represent an attempt towards the improvement of the situation in the field of human rights in the former Socialist Federal Republic of Yugoslavia. On the contrary, their aim is to discriminate against the whole Serbian nation through one-sided and false accusations and distorted facts.

1. By singling out the situation of human rights only in Bosnia and Herzegovina, Croatia and the Federal Republic of Yugoslavia, draft resolution A/C.3/49/L.42 departs from the integral approach to the situation in the former Socialist Federal Republic of Yugoslavia that the United Nations, the European Union and the Conference on Security and Cooperation in Europe (CSCE) adopted

from the very beginning of the crisis. The draft resolution departs considerably from the scope of the previous resolutions as well as from the reports of the Special Rapporteur for the situation of human rights in the territory of the former Socialist Federal Republic of Yugoslavia, Mr. T. Mazowiecki, which pertain to the situation of human rights in the entire territory of the former Socialist Federal Republic of Yugoslavia.

There are no grounds or justification to equate the situation in the Federal Republic of Yugoslavia with that in the Republic of Croatia and the former Bosnia and Herzegovina. The Federal Republic of Yugoslavia is not involved in the armed conflict with any of its neighbours, it does not take part in the civil war in former Bosnia and Herzegovina in any way and does not interfere in the relations between the Republic of Croatia and the Republic of Serb Krajina. However, it supports the legitimate rights of the Serb people, i.e., the very same rights that have been given to the Slovenian, Croatian and Muslim people.

By invoking the reports of the Special Rapporteur, the authors of the draft resolution wish to portray that in the Federal Republic of Yugoslavia there are "massive and systematic violations of human rights and humanitarian law". However, Mr. Mazowiecki's allegations contained in his reports portray certain court proceedings or legitimate interventions by the law enforcement officers against violence, separatism or terrorism as deliberate harassment or persecution of the members of certain categories of population in the Federal Republic of Yugoslavia are pure fabrications since those are legitimate interventions of the State authorities and courts against the perpetrators whoever they may be.

The main violations of human rights in the territory of the former Socialist Federal Republic of Yugoslavia took place as a result of the violent disintegration of the Socialist Federal Republic of Yugoslavia which was brought about by forcible, unilateral and unconstitutional secession by some former Yugoslav republics. Separatists tendencies were supported by some influential members of the international community which was followed by the premature recognition of the secessionist republics before the overall political settlement was reached. Contrary to international law and the CSCE principles on the inviolability of State borders, priority was given to internal administrative borders over the external internationally recognized ones.

The international community had accepted and some of its members had even encouraged the break-up of the Socialist Federal Republic of Yugoslavia. By granting the right to self-determination to the republics instead of to peoples, this right was recognized to all other peoples from the former Socialist Federal Republic of Yugoslavia except to the Serbs. The basic right of Serbs in the former Yugoslav republics of Croatia, Bosnia and Herzegovina, Slovenia and Macedonia, where they have lived for centuries, and their will to remain in Yugoslavia was denied.

2. The Federal Republic of Yugoslavia is not a party to the civil, ethnic and religious war in Bosnia and Herzegovina. Ever since the outset of the crisis, the Federal Republic of Yugoslavia has sought to bring about a peaceful solution to the crisis in Bosnia and Herzegovina on the basis of respect for the

legitimate interests of all three constituent peoples. It should be recalled that the Federal Republic of Yugoslavia supported all peace plans, including the latest plan of territorial settlement by the Contact Group. In order to facilitate the acceptance of the peace plan by the Bosnian Serbs, the Federal Republic of Yugoslavia has closed its border with the Republic of Srpska, except for foodstuffs, medical supplies and clothing for humanitarian purposes. The Bosnian Muslim leadership throughout the crisis and the civil war in Bosnia and Herzegovina has in essence rejected a great majority of peace proposals and has persisted in the war option. Moreover, by militarily provoking the Bosnian Serbs while accusing the international community of alleged inaction, it has sought to engage the North Atlantic Treaty Organization (NATO) to wage the war on the Muslim side against the Serbs.

The implications from the draft resolution that the Federal Republic of Yugoslavia is a party to the conflict in the former Socialist Federal Republic of Yugoslavia are absolutely untrue and highly malicious and therefore unacceptable. As has been confirmed in the reports of the Secretary-General and the United Nations Protection Force (UNPROFOR), not a single soldier of the Army of Yugoslavia remained in the territory of Bosnia and Herzegovina after 19 May 1992. On the other hand, the draft resolution fails to mention explicitly all those truly responsible for the human rights violations, namely the Bosnian Muslims, the Bosnian Croats and the authorities of the Republic of Croatia whose regular army units are engaged in the war operations in Bosnia and Herzegovina. In the Secretary-General's report to the General Assembly of 3 December 1992 (A/47/747, para. 11), it was stated that "several brigades of the Croatian Army are ... actively engaged in the conflict" in Bosnia and Herzegovina.

The draft resolution unjustly holds the Bosnian Serbs, the Serbs from Krajina and the Federal Republic of Yugoslavia primarily responsible for human rights and international law violations and ethnic cleansing in particular. Putting the blame maliciously, solely, on the Serbs and demonizing the Serbian nation as a whole cannot help the resolution of the conflict and excuse those who are really responsible in the civil, ethnic and religious war in former Bosnia and Herzegovina.

It is the height of cynicism that violations of human rights and atrocities committed by the Croatian and Muslim forces should be ignored. In the ninth periodic report prepared by Mr. Mazowiecki, Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia (A/49/641-S/1994/1252, annex) it is confirmed that "violations of human rights continue to occur on the territory of the Federation" and that "Bosnian Croat local authorities and the Government are also responsible" for the ongoing interference with the delivery of humanitarian aid. The independent non-governmental organization "Human Rights Watch - Helsinki", in its report of September 1993, states, among other things that: "Both Croatian and Muslim forces have been guilty of serious abuses - they have deliberately executed civilians and disarmed combatants, arbitrarily arrested individuals belonging to the opposite ethnic group, mistreated prisoners in detention, and forced the displacement of tens - possibly hundreds - of thousands of persons".

3. In draft resolution A/C.3/49/L.42, exclusive responsibility and blame for the practice of ethnic cleansing is placed on the Serbian authorities in the former Yugoslav republics of Bosnia and Herzegovina and Croatia, as well as in the Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia unreservedly condemned ethnic cleansing by whomever it was committed and wherever it occurred. It has also strongly opposed the holding of ethnic hostages, the shelling of cities and the destruction of villages, infrastructure, churches and cultural monuments. The draft resolution makes no reference, however, to the ethnic cleansing continuously committed over the last decades against the Serbs and Montenegrins in Kosovo and Metohija, the exodus of more than 250,000 Serbs from Croatia to Serbia and United Nations Protected Areas since 1991, as was confirmed in the Secretary-General's report (S/25777 of 15 May 1993) and the ethnic cleansing of Serbs from western Herzegovina and some other parts of Bosnia and Herzegovina. It should be noted that the Federal Republic of Yugoslavia gave shelter at one point to more than 700,000 refugees who had fled Bosnia and Herzegovina and Croatia as a result of political pressure and the policy of ethnic cleansing. The number of refugees today in the Federal Republic of Yugoslavia remains around 500,000.

The international public is insufficiently aware of the suffering and status of the Serbs outside the Federal Republic of Yugoslavia, especially in Croatia where they are subjected to permanent harassment and pressure such as dismissal from work and eviction from apartments. Crimes committed against the Serbs in Croatia have never been properly investigated nor have the perpetrators been punished, although their identities are known to Croatian authorities. Very often Serb children have been converted to the Catholic faith. Persons of Serbian origin continue to be arrested without just cause and subjected to interrogation in which violence is used. Media campaigns against Serbs conducted by, among others, some prominent Croatian politicians continue unabated. Sometimes media frenzy acquires grotesque proportions, as was the case with the treatment of wounded Croatian soldiers at Rovinj Hospital by some Serbian medical staff whose only guilt was that they were of non-Croatian origin. The situation in Slovenia, likewise, is far from satisfactory and also raises concerns. Recently the local Helsinki Watch organization published a report about "ethnic cleansing" in this former Yugoslav Republic. That report, however, went unnoticed in the international media. Moreover, Helsinki Watch decided to close down its branch in Slovenia owing to the fact that the branch had withheld the truth and falsely presented the facts about discriminatory policies carried out by the Slovenian authorities against the so-called "southerners" (citizens from other former Yugoslav republics living in Slovenia), who are treated as second-class citizens and are exposed to genuine ethnic cleansing.

4. The accusations contained in draft resolution A/C.3/49/L.42 against the Federal Republic of Yugoslavia are totally baseless and full of arbitrary conclusions and false assertions. It is incomprehensible that the authors of the draft addressed the human rights situation in the Federal Republic of Yugoslavia where there is no war, ethnic cleansing or destruction but only suffering in the wake of the severe sanctions in the same context dealing with the grave consequences of the human rights violations as a result of conflict in former Bosnia and Herzegovina and the United Nations Protected Areas.

The allegations that the political and military leadership of the Federal Republic of Yugoslavia is primarily responsible for violation of human rights and international humanitarian law is completely erroneous, untrue and malicious since it is not possible to corroborate such a claim, both in substance and in form, with the evidence contained in the reports of the Secretary-General of the United Nations on the situation of the territory of the former Yugoslavia.

Completely ridiculous and irresponsible are the allegations about arbitrarily or illegally detained persons, the existence of missing persons as well as camps and other places of detention in the Federal Republic of Yugoslavia. The Federal Republic of Yugoslavia has repeatedly invited international humanitarian organizations to visit Yugoslavia and verify for themselves that such allegations are absolutely unfounded.

The Federal Republic of Yugoslavia is a signatory to all international conventions in the field of international humanitarian law, its legislation is in full harmony with the provisions of those conventions and it is prepared to comply fully with the international commitments under those conventions. The Government of the Federal Republic of Yugoslavia considers that all perpetrators of serious violations of international humanitarian law committed in the territory of the former Yugoslavia should be prosecuted and punished under national laws. In that regard, criminal proceedings shall be instituted against all perpetrators found in the Federal Republic of Yugoslavia. That can be attested by the proceedings already under way in the Federal Republic of Yugoslavia.

The charges on the continuation of the systematic practice of rape are correct inasmuch as military and police forces of the Croat-Muslim federation and radical Islamic elements (mujahedin) pursue such practice against women, children and prisoners of war of Serb nationality in the territories under their control.

The question of human rights violation in Raska region (the so-called Sandzak), is exaggerated and the Government of the Federal Republic of Yugoslavia strongly rejects any allegation concerning the alleged discriminatory practice against the Muslim population.

The Federal Republic of Yugoslavia considers inappropriate the calls to reconsider the continuation of the activities of the CSCE mission of long duration. The mission work was discontinued upon the expiration of its mandate under the protocol concerning the extension of the Memorandum of Understanding of 28 April 1993 and negotiations to extend its stay were not renewed because of the lack of readiness and political will on the part of the competent CSCE bodies to cooperate with the Federal Republic of Yugoslavia as an equal partner. It is well known that at the 13th meeting of the CSCE Committee of Senior Officials, on 8 July 1992, the Federal Republic of Yugoslavia was suspended from CSCE and its representatives were denied the right to participate in meetings and activities of this organization. This is totally unacceptable to the Federal Republic of Yugoslavia, being in contravention of the principles of equality and sovereignty and detrimental to mutual cooperation and the entire CSCE process. In such a situation, the activities of the CSCE mission of long duration could be considered only in the context of the normalization of the

status of the Federal Republic of Yugoslavia within CSCE. It implies the reversal of the decision on suspension, and full reintegration of the Federal Republic of Yugoslavia in CSCE.

5. The authors of draft resolution A/C.3/49/L.42, by ignoring the violations of human rights against the Serbs in Croatia and in former Bosnia and Herzegovina and by exclusively pinning the blame on the Serbs, bear the responsibility for the instigation of hatred against the Serbian population as a whole in an unprecedented effort to ostracize them and turn them into international pariahs.

Draft resolution A/C.3/49/L.42 makes no mention whatsoever of the massive violations of the fundamental human rights as a result of sanctions imposed by the international community against the Federal Republic of Yugoslavia. In the most comprehensive and severe regime of sanctions ever imposed against any State, the most vulnerable segments of the population are hardest hit - newborn babies, children, the elderly, women and the sick.

6. The escalation of propaganda in draft resolution A/C.3/49/L.61, culminating in biased and insulting accusation of rapes with which exclusively the Serbs were charged, represents a collective accusation of an entire people which is, inter alia, contrary to international human rights norms. To insist that the victims of rape belong only to one side implies a discrimination against the victims of the war and undermines the whole human rights system, particularly the most widely accepted Convention on the Elimination of All Forms of Racial Discrimination.

A more realistic and more objective approach was adopted in the report of the Secretary-General (A/48/858) entitled "Rape and abuse of women in the areas of armed conflict in the former Yugoslavia", which stated that "rape had been reported to have been committed by all sides to the conflict". Furthermore, the second report of the Commission of Experts established pursuant to Security Council resolution 780 (1992) to investigate war crimes in the former Yugoslavia indicates that the Commission managed to provide evidence only for 330 cases of rape on all sides. Irrespective of the relatively small number of corroborated cases, this fact absolutely does not justify perpetrators of these horrible acts against the moral, physical and mental integrity of the individual.

7. The Federal Republic of Yugoslavia fully supports the activities of the United Nations aimed at improving the situation of human rights and the respect of the norms of international humanitarian law in the territories of the former Socialist Federal Republic of Yugoslavia still affected by the armed conflict, especially in Bosnia and Herzegovina. The Federal Republic of Yugoslavia shall continue to render its support to the achievement of a just and lasting solution to the crisis in the former Socialist Federal Republic of Yugoslavia.

Despite the heavy burden of sanctions, it will also continue to assist and facilitate humanitarian aid to war-stricken areas.

The Government of the Federal Republic of Yugoslavia is convinced that the political resolution of the crisis in the former Socialist Federal Republic of

Yugoslavia will create the conditions not only for the improvement of the situation in the field of human rights but also enable the development of the region as a whole.

I should be grateful if you would have the present letter circulated as an official document of the General Assembly under agenda item 100 (c).

(Signed) Dragomir DJOKIC
Ambassador
Chargé d'affaires a.i.